

The claims have been amended to correct clerical errors therein and to more accurately define the invention. No new matter has been added by the above amendments. Further the amended claim 7 now overcomes the Examiners objection thereto.

The Examiner has rejected claims 1 to 9 and 12 to 15 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,793,972 (Shane). The Applicant has reviewed the Shane reference and believes it neither describes nor suggests the subject invention as defined in claims 1 to 9 and 12 to 15 as originally filed or as amended for reasons as discussed below.

The present invention seeks to provide a solution to the problem of allowing non-technical users to create a network based collaborative workspace that is both easy to construct so as not to depend on a system administrator and that is capable of allowing the creator to place access restrictions on invited users. Accordingly, the invention provides a collaborative workspace that is accessible over a network, comprising:

- (i) a network-connected server having input and access capabilities;
- (ii) a means on the server for receiving instructions from a primary user and for creating a dedicated network site in response to the received instructions, the instructions including a list of secondary users and a predefined working relationship between the users;
- (iii) a messaging system for communicating existence of the dedicated network site to selected ones of the list of secondary users;
- (iv) a network for accessing contents of the dedicated network site by the primary and secondary users via a web-browser; and
- (v) memory associated with the dedicated network site for storing information submitted by the primary and the secondary users, and wherein the stored information is accessible to the users in accordance with the predefined working relationship.", as defined in claim 1.

Accordingly, the present invention allows the creation of a workspace having a one-to-many relationship between the workspace and the users.

On the other hand, **Shane** describes a system having a one-to one relationship between users and the workspace. The Shane system provides an interactive response to direct mail marketing, by providing recipients of the mail marketing with a personalized web page to respond to. More specifically, the sequence of steps described by the Shane technology may be summarized as follows:

1. **Shane** creates a pre-determined recipient database;
2. Each of the recipients is provided with a unique electronic return address containing the recipient's personal identification code;
3. **Shane** provides a retrieval means for retrieving recipient data from the recipient database corresponding to the personal identification code contained in the electronic return address;
4. The recipient database then uses the recipient data ("secondary users" as defined in Applicants claim 1) to create a unique interactive web page;
5. This unique interactive web page is communicated to a remote computer (i.e the recipient's computer).

All of the above is recited generally in column 2, lines 28-50 of **Shane**.

Considering each of the **Shane** elements defined above in turn, it may be shown that the applicant's subject invention distinguishes clearly over each of those elements.

Firstly, if the recipient as used in **Shane**, is considered to be equivalent to the subject Applicant's "primary user", then **Shane** makes no suggestion of communicating

this unique interactive web page to "secondary users" as defined in applicant's claim 1. In fact Shane merely transmits unique interactive web page to a remote computer and as clearly described in **Shane**, this could only correspond to the recipients computer. Nor is there a suggestion that the Shane created web page is capable of "defining a working relationship between multiple users accessing the uniquely created web page as also defined in claim 1 of the Applicant's subject invention.

If on the other hand, the recipient as used in **Shane**, is considered to be equivalent to the subject Applicant's "secondary user" as defined in Applicants claim 1, then Shane also clearly teaches away from the Applicants invention. Specifically, the recipient database (secondary user) then uses the recipient data ("secondary users" as defined in Applicants claim 1) to create a unique interactive web page. Clearly this is different to the Applicants invention.

In fact, by sharing of personalized web-page information between recipients would teach directly away from Shane. Clearly, for a reference to be cited under 35 U.S.C. 102(e), it must provide clear and distinct teachings of the subject claimed invention. Attempting to define the Shane system as a collaborative workspace system would not meet the objectives of the Shane system and consequently the application of Shane to reject the claims is improper.

Shane does not describe nor even remotely suggest a system for creating a collaborative workspace as in the present invention. Shane does not describe a system wherein it is easy to construct a collaborative webspace. In the Shane patent, only a system administrator can construct the web pages. Furthermore, the web pages are created for individual users independent of each other. Thus, there is no mention of providing groupware, nor the requisite security, which is provided in accordance with predefined working relationships.

While the Examiner suggests that **Shane** discloses similar elements to the subject invention, one must look to the functions and steps in the interaction between these

various elements with regard to the elements in a claim taken as a whole. Clearly, the functional sequence of steps performed by **Shane** is different to that of the subject invention.

Accordingly, it is believed that the rejections to claim 1 under 35 U.S.C. 102(e) are overcome. With regard to the examiner's rejection of claims 2-9 and 12- 15, these claims include the same elements or similar elements as amended claim 1 and therefore the rejection of these claims under 35 U.S.C. 102(e) is also overcome for the same reasons as applied to claim 1 above.

With regard to the examiner's rejection of claims 10 and 11 under 35 U.S.C. 103(a) as being unpatentable over **Shane**, the examiner asserted that **Shane** teaches all the limitations of the claim except that he does not explicitly indicate the workgroup activity application. The applicant wishes to respectfully point out to the examiner that in formulating an obviousness-type rejection the examiner should indicate clearly in the prior art the additional elements that he is relying upon to suggest the claimed invention. In this case, the examiner has merely cited the **Shane** reference and no other source for the additional "work-group activity applications that may be combined with **Shane** to produce the invention as defined in claims 10 and 11".

Alternatively, the examiner is referred to the arguments presented by the applicant with respect to claim 1 in which it was indicated that **Shane** teaches away from a workgroup activity. As pointed out therein, **Shane** is directed to creating unique personalized web-pages for recipients of a direct marketing system. Clearly, as stated in **Shane's** title and throughout the **Shane** specification, the intention behind the **Shane** system is to create personalized web-pages which are unique to individual recipients and, therefore, implicitly non-collaborative. Making **Shane's** personalized web pages collaborative would defeat the objective of creating targeted advertising. **Shane** does not even suggest the creation of targeted groups of recipients. If **Shane** contemplated such a system, there would be no requirement for the **Shane** system to maintain a counter for recording subsequent visits by the responding recipient.

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Thus, for the above reasons, it is believed that the original claims 1-15 and now submitted amended claims 1-15, are patentably distinct over the Shane reference and accordingly due consideration to this effect is courteously requested.

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